

Legislative Study Committee
on
Trafficking of Women and Children
In Connecticut

Chaired by: Representative Andrea Stillman

Report Prepared by the
Permanent Commission on the Status of Women

Final Report
February 2004

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Introduction

In March 2003, Representative Andrea Stillman hosted a briefing regarding trafficking of women and children presented by Dr. Leslie R. Wolfe, President of the Center for Women Policy Studies. In order to further explore the issue, determine whether such illegal conduct was occurring in Connecticut and whether our law enforcement and services providers were equipped to recognize and respond to it, Representative Stillman convened a Legislative Study Committee.

The goal of the Legislative Study Committee was to consider four questions:

1. What is the prevalence and nature of trafficking activities in Connecticut?
2. How are applicable state and federal laws enforced in Connecticut and are they adequate to address the problem?
3. What services and programs are available to assist victims of trafficking in Connecticut and are they adequate to address the problem?
4. What recommendations can be made regarding state policies and practices?

The Legislative Study Committee met four times between October 2003 and January 2004. The following people were members of the Legislative Study Committee:

Chair: Representative Andrea Stillman

Legislative Study Committee Staff:

Leslie Brett, Executive Director

Permanent Commission on the Status of Women

Susan Hoover, Special Projects Director

Permanent Commission on the Status of Women

Members:

Attorney General Richard Blumenthal

(Represented by Rich Kehoe, Assistant Attorney General)

Chris Morano, Chief State's Attorney

(Represented by Judith Rossi, Executive Assistant State's Attorney)

Kevin O'Connor, United States Attorney

(Represented by Krishna Patel, Assistant United States Attorney)

**Legislative Study Committee on Trafficking of Women and Children
In Connecticut
Final Report February 2004**

Members of the Connecticut General Assembly's Judiciary Committee:

Senator Andrew J. McDonald
Representative Michael P. Lawlor
Senator John A. Kissel
Representative Robert Farr

Representative Lydia Martinez
Commissioner Arthur Spada, CT Department of Public Safety
Jeanne Milstein, Connecticut Child Advocate
Fernando Betancourt, Executive Director, Latino and Puerto Rican Affairs Commission
Vanessa Burns, Executive Director, African American Affairs Commission
Elaine Zimmerman, Executive Director, CT Commission on Children
Cinda Cash, CT Women's Consortium
Sandra Hassan, PCSW Commissioner
Gail Burns-Smith, Executive Director, CT Sexual Assault Crisis Services
Lisa Holden, Executive Director, CT Coalition Against Domestic Violence
Alice Pritchard, Executive Director, CT Women's Education and Legal Fund
Beverly Brakeman, Executive Director, CT NOW
Joyce Hamilton, Executive Director, DemocracyWorks
(Co-Chair, Immigrant and Refugee Coalition)
Robert Fishman, Executive Director, Jewish Federation Association of CT
(Co-Chair, Immigrant and Refugee Coalition)
Sr. Suzanne Brazauskas, Sr. Mary Alice Synkewecz, Collaborative Center for Justice
Kara Walsh-Hart, Attorney, Greater Hartford Legal Aid
Teresa Younger, Executive Director, CT Civil Liberties Union
Michael Boyle, President, CT Association of Immigration Attorneys

Assisting the Legislative Study Committee:

Melissa Buccilli, PCSW intern
Kirsten Rigney, PCSW volunteer

Definition of Trafficking:

The State Department of the United States defines trafficking as "all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons; within national or across international borders; through force, coercion, fraud or deception; to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage."

**Legislative Study Committee on Trafficking of Women and Children
In Connecticut
Final Report February 2004**

Summary of Legislative Study Committee Proceedings

The first meeting took place on October 30, 2003. Presentations were made by Representative Stillman and Leslie Brett to familiarize members with definitions, existing laws and data concerning trafficking in the United States. Representative Stillman reported that between 50,000 and 100,000 women are trafficked each year, although accurate data is difficult to obtain because of under-reporting and invisibility. Trafficked women come from impoverished areas all over the world. There are more than 200 mail order bride businesses in the U.S. and up to 6,000 women enter the U.S. each year to be married.

The federal government passed the Trafficking Victims Protection Act in 2000. The Act created a new type of visa known as the non-immigrant T-visa, which is available to victims of sexual trafficking. This allows victims to live in the U.S. for three years and then apply for permanent status. Only a small number of these visas have been awarded.

Representative Stillman concluded her remarks by noting that the United States is a “destination country” and that Connecticut has a number of entry points for traffickers, including three ports, Interstate 95, and an international airport.

Leaders from several community organizations made brief presentations including Gail Burns-Smith, Executive Director of the Connecticut Sexual Assault Crisis Service, Inc.; Lisa Holden, Executive Director of the Connecticut Coalition Against Domestic Violence; Joyce Hamilton, Executive Director of DemocracyWorks and Co-Chair of the Immigrant and Refugee Coalition; and Robert Fishman, Executive Director of the Jewish Federation Association of Connecticut and Co-Chair of the Immigrant and Refugee Coalition.

The second meeting took place on December 16, 2003 and featured presentations from law enforcement agencies.

Connecticut Public Safety Commissioner Arthur Spada made a presentation on behalf of the State Police. The Department of Public Safety offered the following recommendations:

- a. Since there are currently no state statutes that specifically define trafficking, the legislature should pass laws that mirror the federal ones and include trafficking in the state class B felony statutes.
- b. Enact laws that allow for civil forfeiture procedures as sanctions against traffickers.

*Legislative Study Committee on Trafficking of Women and Children
In Connecticut
Final Report February 2004*

- c. Create a better definition of child pornography for Connecticut that parallels federal statutes.
- d. Create a new criminal division within prostitution for trafficking so that information and statistics about it can be kept separate from statistics about prostitution.
- e. Permit administrative subpoenas to access telephone and internet subscriber information for private individuals.
- f. Increase public education and train officers.
- g. Work with service organizations that deal with domestic violence cases to uncover trafficking cases.
- h. Increase the number of wiretaps in Connecticut by 24 to secure information for statewide prosecutions.

Assistant U.S. Attorney Krishna Patel also made a presentation. She explained the provisions of the U.S. Trafficking Victims Protection Act of 2000, the eligibility rules governing T-Visas, and the services available for witness protection.

Executive Assistant State's Attorney Judith Rossi made a final presentation. She noted the importance of two other state statutes: The Corrupt Organizations and Racketeering Activity Act parallels the federal RICO act and is used primarily for the prosecution of street gangs. She thought it could also be applicable to trafficking of people. The state's Witness Protection Act provides for the safety of victims as well as their housing, food, police overtime, travel and other needs.

The third meeting took place on January 8, 2004. Representative Stillman invited Teresa Younger, Executive Director of the CT Civil Liberties Union, to give a presentation about the civil liberties concerns raised by administrative subpoenas. Ms. Younger emphasized that the CCLU is concerned about the issue of trafficking of women and children and appreciates the Legislative Study Committee's work on this issue. However, the CCLU opposes the creation of administrative subpoenas because they lack appropriate judicial review and are overly broad, raising constitutional concerns about improper searches and privacy rights.

Following the presentation by the CCLU, Representative Stillman asked for discussion and brainstorming regarding the final recommendations of the Legislative Study Committee.

Two final meetings of the committee were held on January 20 and February 3, 2004 at which recommendations were further discussed. Some committee members felt strongly that a new definition of trafficking within Connecticut's criminal statutes would give greater guidance to law enforcement

**Legislative Study Committee on Trafficking of Women and Children
In Connecticut
Final Report February 2004**

officials, allow for data collection and heighten awareness of this crime. Other members of the committee felt that it was too soon to develop such a definition, and that a new state definition might actually hinder prosecution by creating new categories of evidence or proof that would be needed for conviction.

The committee adopted a compromise solution: The committee will recommend the creation of an interagency task force (see below). To define the charge of the task force, a general definition of trafficking will be proposed, in conformance with the definition used by the U.S. State Department; however, this would NOT constitute a new criminal statute. The task force will then continue to research and discuss the risks and benefits of amending our state criminal statutes and will make a recommendation to the General Assembly no later than January 2006.

Legislative Study Committee Recommendations

1. **Create a permanent Interagency Task Force on Trafficking of Women and Children, and require reporting.**

Increased cooperation and information sharing among law enforcement agencies, other state agencies and community organizations will increase effectiveness in prosecuting persons engaged in trafficking and in assisting victims. Law enforcement agencies will be required to report any cases of trafficking to the Interagency Task Force who will analyze and report such data to the Governor and the General Assembly. The Task Force will also consider the adequacy of current state criminal statutes in identifying and prosecuting trafficking, and will make recommendations to the General Assembly by January 2006.

2. **Require special training about trafficking to law enforcement personnel, including information about T-visas, U-visas, and witness and victim protection services.**

Special training is necessary to help law enforcement personnel identify victims of trafficking and to have the special skills and information needed to elicit their cooperation and to assist them.

3. **Secure additional resources for a special hotline and community outreach efforts to identify and assist victims, gather information and inform the community of services and protections available to victims.**